

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

CHI CHEN, et al.,

Plaintiffs,

v.

U.S. BANK NATIONAL ASSOCIATION, et
al.,

Defendants.

Case No. 16-1109RSM

ORDER SETTING BELLWETHER
TRIAL DATE AND DIRECTING
PARTIES TO CONFERENCE WITH
ASSIGNED SETTLEMENT JUDGE

The first bellwether trial in this case was originally scheduled for September 14, 2020. Dkt. #301. On August 17, 2020, Plaintiffs and Defendant U.S. Bank informed the Court that settlement of all claims against U.S. Bank was possible and moved to strike the trial date. Dkt. #342. The Court granted this Motion in part. Dkt. #343. The parties were ordered to file a joint status report within 60 days if complete settlement had not occurred. The Court stated “[u]nless the parties demonstrate a strong need for additional time to settle this case, the Court will then set the first bellwether trial for the next available date with sufficient time for pretrial motions to be heard.” *Id.* at 4.

1 Many Plaintiffs in this case have settled and dismissed their claims. On October 19, 2020,
2 the remaining Plaintiffs, now represented by different counsel, filed a status report. Dkt. #358.
3 Defendant U.S. Bank filed a separate status report. Dkt. #359.

4 Eighteen Plaintiffs remain. Dkt. #358 at 1. One of the two previously selected bellwether
5 plaintiffs, Tengyao Song, settled his claims. The remaining bellwether plaintiff, Rui Mao,
6 remains ready to proceed to trial. *Id.* Plaintiffs' new counsel does not discuss further attempts at
7 settlement.
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9 U.S. Bank also fails to discuss settlement efforts. *See* Dkt. #359. Instead, U.S. Bank
10 argues that a bellwether trial would be "inappropriate at this point in the case" and that a trial of
11 all eighteen Plaintiffs at once is "certainly" feasible now. *Id.* at 2. U.S. Bank argues that a
12 bellwether trial with only one Plaintiff would not serve any legitimate purpose. *Id.* Later U.S.
13 Bank argues/admits that "[n]early all of the remaining plaintiffs live in China," and that "[t]ravel
14 and other pandemic-related restrictions would inhibit their ability to attend the trial." *Id.* at 3.
15 U.S. Bank requests leave for supplemental briefing on the bellwether trial process "given the
16 fundamentally altered nature of this case." *Id.*
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19 The Court disagrees that settlement efforts have fundamentally altered the nature of this
20 case. This remains a multi-plaintiff case with the same legal issues, logistical problems, and
21 procedural history. The bellwether trial issue has been fully briefed and ruled on.
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23 Neither party has presented any evidence that further time is needed for settlement
24 discussions. As stated in the Court's prior Order, a new scheduling order will thus be issued
25 assigning a bellwether trial date of January 25, 2021.

26 However, given the arrival of new Plaintiffs' counsel and the substantial number of
27 Plaintiffs who have settled their claims, the Court finds that the parties would strongly benefit
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1 from working with a settlement judge prior to trial. The Court will therefore direct the parties, or
2 at least their counsel, to attend a mandatory settlement conference with that judge in November
3 or December. The Court notes that Defendants Quartzburg Gold, L.P., ISR Capital, LLC, and
4 Idaho State Regional Center, LLC, who have not filed a status report, suggested on March 20,
5 2020, that the Court “order a Mandatory Settlement Conference... at the earliest feasible date
6 after the ongoing concerns surrounding COVID-19 subside.” Dkt. #259 at 1.

8 Having considered the applicable briefing submitted by the parties and the entire record,
9 the Court hereby finds and ORDERS:

- 10 1) The first bellwether trial in this matter is RESET for January 25, 2021. The Clerk is
11 directed to issue a new scheduling order covering related pretrial deadlines.
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13 2) All remaining parties in this case are to participate in a mandatory settlement
14 conference with a separate assigned judge. The details of this conference will be
15 communicated to the parties by the in-court Deputy Clerk.

16 DATED this 21st day of October, 2020.

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20 RICARDO S. MARTINEZ
21 CHIEF UNITED STATES DISTRICT JUDGE
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